IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

OP.No. 14572 of 1998(I)

PETITIONER:

LATHIKA, D/O VISHWAMBARAN,
AGED 31 YEARS, VETTUTHARAYIL,
K.S.MANGALAM P.O., VAIKOM, KOTTAYAM

BY ADV. SRI.C.M.NAZAR

RESPONDENTS:
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1. THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION, TVM

2. THE SECRETARY TO THE GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION, SECRETARIATE, TRIVANDRUM

BY ADV. SRI.O.V.RADHAKRISHNAN
GOVERNMENT PLEADER K. SANDESH RAJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).14572/1998

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE HALL TICKET WITH ADMISSION NO.390 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

EXT.P2- TRUE COPY OF THE MEMO NO.GR II B(3) 22751/94/GW/390 DATED 10.2.98 ISSUED BY THE 1ST RESPONDENT

EXT.P3- TRUE COPY OF THE MEMO NO.GR II B (3) 22751/94/GW DATED 4.5.1998 ISSUED BY THE 1ST RESPONDENT

EXT.P4- TRUE COPY OF THE EXPLANATION DATED 11.5.1998 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT

EXT.P5- TRUE COPY OF THE ORDER NO.GR II B(3) 22751/94/GW DATED 1.7.1998 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

O.P. 14572/1998

Dated this the 10th day of August, 2007

JUDGMENT

Radhakrishnan, J

Writ Petition was preferred seeking a declaration that a candidate having Degree in Library and Information Science is eligible for applying for the post of Librarian Grade-IV as against the required qualification of certificate in Library Science and to declare that the petitioner is eligible for selection and appointment as Librarian Grade-IV. Qualifications prescribed for the post of Librarian Grade-IV were

(i) A pass in S.S.L.C &

(ii) Certificate in Library Science.

2. Degree of "Bachelor of Library and Information Science" was not a qualification prescribed for the selection to that post and in such circumstances a memo was issued to the petitioner by the PSC, deleting the name of the petitioner from the short list. It is also stated that higher qualification would be acceptable only if it presupposes the acquisition of the prescribed lower qualification. Higher qualification which does not

presuppose the acquisition of the lower qualification prescribed for the post cannot be accepted.

3. Learned Single Judge referred this matter to the Division Bench placing reliance on the Bench decision of this Court in **Sunu v. Union of India (2000 (2) KLT 747).** That case dealt with the question of recruitment to the category of Junior Engineer (Civil/Electrical) under Kerala Telecome Circle. Notification stated that "candidates who had obtained Diploma in Electrical/Mechanical Engineering after a full time course of three years (after matriculation) from a recognised institution, or Board which had been recognised by Central Government or State Government were eligible for applying to the post of Junior Engineer (Electrical)." Petitioner therein was a diploma holder in Electrical Engineering. Department however entertained the application of a candidate possessing the Degree in Electrical or Mechanical Engineering. But this Court in Sunu's case held that there was no justification in entertaining applications from persons possessing degree in Electrical/Mechanical engineering.

4. As far as this case is concerned, notification specifically says that the candidate who possessed the certificate in Library Science is eligible for the post. Admittedly, the petitioner was having Bachelor of Library and Information Science, which was not a prescribed qualification.

5. In this connection we may refer to the judgment reported in **Jyoti K.K. & Others v. Kerala Public Service Commission & Others (JT 2002 [Suppl.1] SC 85),** wherein the apex Court has stated that "If a person has acquired higher qualifications in the same faculty, such qualification can certainly be stated to presuppose the acquisition of the lower qualifications prescribed for the post." In that case the Supreme Court was dealing with the power of qualifications of Sub-engineers (electrical) in the Kerala State Electricity Board in the post of Assistant Engineers. To the post of Assistance Engineers, prescribed qualifications are Degree in Electrical Engineering, so far as Sub Engineer is concerned qualification is Diploma in electrical engineering and hence maintained the same line of succession since the petitioner therein

possessed B.Tech degree in Electrical Engineering or which pre-supposes the existence of diploma in Electrical engineering. So far as the present case is concerned, the facts are entirely different. Petitioner did not have the qualification prescribed in the notification. The qualification prescribed was also specific.

6. In such circumstances, we are not inclined to grant the relief prayed for by the petitioner. This petition lacks merit and the same is dismissed.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs